

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: MAY 23 2008

UNITED STATES OF AMERICA

- v. -

DEONICIO DELGADO, and  
RICHARD CALHOUN,

Defendants.

: INDICTMENT

: 08 Cr.

08 CRIM 469

:

x

COUNT ONE

The Grand Jury charges:

1. In or about March 2008, in the Southern District of New York and elsewhere, DEONICIO DELGADO and RICHARD CALHOUN, the defendants, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DEONICIO DELGADO and RICHARD CALHOUN, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

OVERT ACT

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, were committed in the Southern District of New York:

a. On or about March 26, 2008, DEONICIO DELGADO and RICHARD CALHOUN, the defendants, possessed approximately six kilograms of cocaine in the Bronx.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about March 26, 2008, in the Southern District of New York, DEONICIO DELGADO and RICHARD CALHOUN, the defendants, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of a mixture and substance containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, DEONICIO DELGADO and RICHARD CALHOUN, the

defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

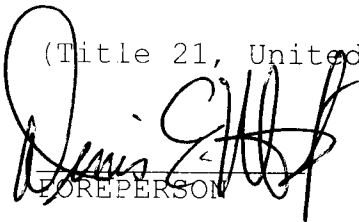
b. has been transferred or sold to, or deposited with, a third person;

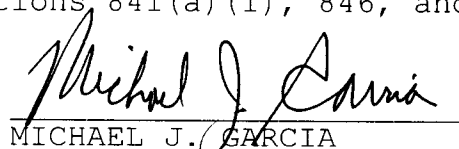
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

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INDICTMENT

08 Cr.

(21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A),  
& 846; 18 U.S.C. § 2)

MICHAEL J. GARCIA  
United States Attorney.

 A TRUE BILL

Foreperson.

5/23/08  
MIB

Indictment Filed. Case assigned  
to Judge Baer for all purposes.  
ELLIS, U.S.M.J.